Friday, June 3, 1938 No. 108

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Docket No. 13]

PETITION OF MALLORY COAL COMPANY, ET AL., FOR VACATION OF RULING BY THE COMMISSION DATED MARCH 30, 1938, AND REVOCATION OF ITS CONSTRUCTION THEREIN OF SECTION 10 (A) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. 14]

ROCHESTER AND PITTSBURGH COAL COMPANY AND EXCEPTION TO RULING OF COMMISSION DATED MARCH 30, 1938

ORDER

At a Session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 1st day of June 1938.

The above entitled matters, being consolidated for the purposes of hearing, came on to be heard before the Commission on the 25th and 26th days of May, 1938. The petitions similarly prayed that the Ruling of the Commission, dated March 30, 1938, be rescinded and the construction of Section 10 (a) of the Act therein made, be revoked. This Ruling declared that the Commission would, upon the hearing for the determination of the weighted average of the total costs of the ascertainable tonnage produced in the several districts for the calendar year 1936, cause the cost reports of the individual producers of bituminous coal, obtained pursuant to the provisions of Section 10 (a) of the Act and Order No. 15 of the Commission, to be made available for introduction in evidence. The construction of Section 10 (a) of the Act adopted by the Commission, of which petitioners complain, is that said Section permits the introduction in evidence of the said individual cost returns at a hearing before the Commission.

The Associated Industries of New York, Inc., Association of American Railroads, American Short Line Railroad Association, and the Indiana Gas & Chemical Corporation, severally sought leave to intervene. These petitions to intervene were denied. The cities of New York, Cleveland, Chicago, Boston, and Richmond, and producers Imperial Coal Corporation, Heisley Coal Company, Monroe Coal Company, Ebensburg Coal Company, Alleghany River Mining Company, Ringgold Coal Company, Reid Coal Company, and the Berwind-White Coal Company, likewise filed petitions to intervene, which were granted.

Evidence being adduced by the petitioners and by the Bureau of Statistics and Research of the Commission, and the Commission being fully advised in the premises, finds that the Ruling complained of should not be rescinded, nor the construction therein made, be revoked, and that the petitions in each of said Dockets Nos. 13, and 14 should be dismissed, for the reasons stated in the opinion of the Commission in this cause filed herewith,

*Now, therefore,* It is ordered:

1. That the petition of the Mallory Coal Company, et al., filed in Docket No. 13, and the petition of the Rochester and Pittsburgh Coal Company, filed in Docket No. 14, be and the same are hereby denied and dismissed.

2. That the Secretary of the Commission be and he is hereby directed to cause the individual cost returns of the producers, as above described, to be made available for inspection by interested parties in the final hearing in the establishment of minimum prices and marketing rules and regulations, so that the same will be available for introduction in evidence if and when required.

3. That the Secretary be and he is hereby directed to mail a copy of this order to each of the above named petitioners, and to all parties who filed petitions to intervene.

By the Commission.

Dated this 1st day of June, 1938.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 38-1556; Filed, June 2, 1938; 12:46 p. m.]

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS

SECOND SUPPLEMENTAL NOTICE OF AND ORDER FOR HEARING IN RE DETERMINATION OF WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE PRODUCED WITHIN MINIMUM PRICE AREAS 6, 7, 9 AND 10

Whereas, the Commission, on the 26th day of May, 1938, issued its supplemental order and notice of a hearing to be held on the 13th day of June, 1938, at 10 o'clock A. M., in the Hearing Room of the Commission at the Shirley-Savoy Hotel, Denver, Colorado, in the matter of the determination of the weighted average of the total costs of the tonnage produced within Minimum Price Areas 6, 7, 9 and 10, and

Whereas, the original notice, dated May 25, 1938 and said supplemental notice and order provided that the verified cost reports of the individual producers within each of the aforesaid Price Areas, obtained by the Commission pursuant to Section 10 (a) of the Bituminous Coal Act of 1937 and Order No. 15 of the Commission and upon which are based the cost data submitted to the District Boards by the Statistical Bureaus of the Commission and the composite exhibits prepared by the Bureau of Research and Statistics of the Commission, would be made available for inspection by interested parties on and after June 6, 1938, at the Shirley-Savoy Hotel, Denver, Colorado, and

Whereas, certain producers within the said western Price Areas, whose individual cost returns are included in those intended to be made available for inspection, have filed petitions with the Commission challenging the right of the Commission to so disclose their said cost returns, and

Whereas, certain producers within several eastern Price Areas had previously filed similar petitions with the Commission, raising identical issues, which petitions the Commission entertained and dismissed after hearing, and

Whereas, said eastern petitioners, if aggrieved by the order of dismissal, are afforded by virtue of Section 6 of the Act the opportunity to seek judicial review of the Commission's action, and

Whereas, it is deemed inadvisable to disclose the cost data of the western as well as the eastern producers at this time,

*Now, therefore,* pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That paragraph numbered 1 of said original Notice of and Order for Hearing, dated May 25, 1938, be and the same is hereby amended to read as follows:

"1. That the above entitled proceeding entitled 'In the Matter of the Establishment of Minimum Prices and Marketing Rules and Regulations,' General Docket No. 15, is hereby instituted for the purpose of conducting investigations and informatory hearings relating to the determinations of the weighted averages of the total costs of the tonnage produced in the several districts and of the several minimum price areas and the proposal of minimum prices and marketing rules and regulations."

That the said original paragraph numbered 1 be and the same is hereby rescinded.

2. That paragraph numbered 2 of said original Notice of and Order for Hearing, dated May 25, 1938, be and the same is hereby rescinded.

3. That the verified cost reports of the individual producers within each of the said Price Areas upon which the cost data submitted to the District Boards by the Statistical Bureaus of the Commission are based, and upon which are based the said exhibits prepared by the Bureau of Research and Statistics of the Commission, as referred to in the fourth paragraph of the original notice of and order for hearing dated May 25, 1938, and in the second paragraph of the supplemental notice of and order for hearing in the said matter, dated May 26, 1938, shall not be made available for inspection

by interested parties until the final hearing in the matter of the establishment of minimum prices and marketing rules and regulations.

4. That paragraph numbered 6 of the Commission's notice of and order for hearing in re determination of weighted average of the total costs of the tonnage produced within Minimum Price Areas 6, 7, 9 and 10, dated May 25, 1938, be and the same is hereby rescinded.

5. That paragraph numbered 7 of said original notice of and order for hearing, dated May 25, 1938, be and the same is hereby amended to read as follows:

"7. Any person desiring to offer affirmative evidence at such hearing shall, not later than the day preceding the date of said hearing, file with the Commission at its offices in the Central Savings Bank Building, Denver, Colorado, a written appearance setting forth therein the nature of his interest and a concise written statement of the facts which he wishes to present. Such cross-examination as the Commission in its discretion deems proper will be permitted."

That the said original paragraph numbered 7 be and the same is hereby rescinded.

6. That this second supplemental notice of and order for hearing is supplemental to the notice of and order for hearing in re determination of the weighted average of the total costs of the tonnage produced within Minimum Price Areas 6, 7, 9 and 10, dated May 25, 1938, as amended and supplemented by supplemental notice of and order for hearing dated May 26, 1938, and said original notice and order, as amended and supplemented, shall remain in full force and effect except as herein modified.

7. That the Secretary be and he is hereby directed to cause a copy of this second supplemental notice of and order for hearing to be published forthwith in the FEDERAL REGISTER and in two consecutive issues of a newspaper of general circulation in each of the Districts within the aforesaid Price Areas, and shall cause copies thereof to be mailed to each code member, the Consumers' Counsel and to the Secretary of each District Board, and to be made available for inspection by interested parties at each of the Statistical Bureaus of the Commission.

By order of the Commission.
Dated this 1st day of June, 1938.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 38-1557; Filed, June 2, 1938; 12:47 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Puerto Rico Sugar Order No. 11]

### DECISION AND ORDER OF SECRETARY OF AGRICULTURE ALLOTTING THE DIRECT-CONSUMPTION PORTION OF THE 1938 SUGAR QUOTA FOR PUERTO RICO

General Sugar Quota Regulations, Series 5, No. 1, issued by the Secretary of Agriculture on December 20, 1937, pursuant to the Sugar Act of 1937 (hereinafter referred to as the "act"), provide that the 1938 Puerto Rican sugar quota for shipment to the continental United States may be filled by shipments of direct-consumption sugar not in excess of 126,033 short tons, raw value.

Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for any area. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulations prescribe. On December 31, 1937, the Secretary, pursuant to General Sugar Regulations, Series 2, No. 2, issued a notice of a public hearing to be held in Washington, D. C., on January 14, 1938, for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of the Puerto Rican sugar quota among interested persons and such other evidence as might be pertinent to the exercise of the powers vested in the Secretary under section 205 (a) of the act.

Section 205 (a) of the act requires a preliminary finding of the Secretary as a condition precedent to the calling of a hearing. The Notice of Hearing and Designation of Presiding Officers issued by the Secretary on December 31, 1937, provided in part as follows:

"Pursuant to the authority contained in Section 205 (a) of the Sugar Act of 1937 (Public, No. 414, 75th Congress) and on the basis of the information now before me, I, H. A. Wallace, Secretary of Agriculture, do hereby find that the allotment of the 1938 sugar quota for Puerto Rico for shipment to the continental United States (including the portion which may be filled by direct-consumption sugar, pursuant to section 207 (b) of said act) and the 1938 sugar quota for Puerto Rico for local consumption, established pursuant to section 202 and 203, respectively, of the said act is necessary to prevent disorderly marketing and importation of such sugar * * *."

The preliminary finding was based upon information which the Secretary had to the effect that Puerto Rico processors were in a position to manufacture and make available for market a potential supply of approximately 400,000 short tons of direct-consumption sugar during the calendar year 1938.

The hearing was held at Washington, D. C., on the date specified in the notice. The evidence presented at the hearing indicated that the preliminary finding of the Secretary should be confirmed. Such evidence indicated a plant capacity of 401,500 short tons for all processors in Puerto Rico. The total amount of such sugar which may be shipped to continental United States under the act is limited to 126,033 short tons. Under these conditions, it was deemed probable that, without allotment of the direct-consumption portion of the quota, more raw sugar would be processed into direct-consumption sugar than could be shipped to the continental United States during any calendar year. This, it was concluded, would result in disorderly marketing of sugar.

On March 30, 1938, the Secretary issued Puerto Rico Sugar Order No. 9, allotting that portion of the 1938 Puerto Rico sugar quota for shipment to the continental United States which may be filled by direct-consumption sugar. On April 19, 1938, the Secretary issued Puerto Rico Sugar Order No. 10, which superseded the order of March 30, 1938, and which contains allotments identical with those made in the first order, together with a full statement of the facts and grounds for his decision.

Section 205 (a) of the act provides in part that:

> Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; or the ability of such person to market or import that portion of such quota or proration thereof allotted to him. The Secretary may also, upon such hearing and notice as he may by regulations prescribe, revise or amend any such allotment upon the same basis as the initial allotment was made.

On April 26, 1938, the Secretary issued a notice of a public hearing to be held in Washington, D. C., on May 3, 1938, for the purpose, among others, of receiving evidence to enable him to revise or amend Puerto Rico Sugar Order No. 10 in accordance with the provisions of section 205 (a) of the act. The hearing was held on May 3 as specified in the notice and was concluded on May 4. The following companies interested in marketing direct-consumption sugar in the

continental United States during 1938 were represented at the hearing:

Porto Rico American Sugar Refinery,
Central Aguirre,
Central Guanica,
Central Igualdad,
Central Roig,
Camuy Sugar Co.

Puerto Rico Sugar Order No. 10 states the basis for allotments therein made as follows:

"The first standard stated above for the Secretary to use in making allotments, namely, processings to which proportionate shares established under section 302 (b) of the act pertain, is inapplicable to the allotment of that portion of the quota which may be filled by direct-consumption sugar.

"The other two standards given in the act, namely, 'past marketings' and 'ability * * * to market,' are applicable and should both be used in making individual allotments, in order to provide a fair, efficient, and equitable distribution of the portion of the quota under discussion.

"In determining 'ability * * * to market', it is apparent that mill capacity alone cannot be taken as an accurate measure. That factor represents only a potential ability to produce sugar, dependent upon a number of other factors, such as the availability of raw sugar, the price of raw materials, transportation costs, and similar factors. An additional factor must be used in order to arrive at a true measure of ability to market. It is believed that the ratios of each processor's current marketings of sugar to the total of such marketings should be considered and given equal weight with the ratios of each processor's mill capacity to the total mill capacity for all processors. Since the hearing was held on January 14, 1938, it would be possible to take 1937 marketings as indicating the processor's current ability to market, but this method would be unfair to processors marketing direct-consumption sugar for the first time in 1938. In order, therefore, to be fair to both new and old processors, and in order to obtain as accurate a measure of present ability to market as possible, it is necessary to take marketings of direct-consumption sugar during the present calendar year. During the first three months of the current year, no allotment order was in effect and processors were not restricted in their shipments of direct-consumption sugar to the United States, and since there was reason to believe that allotments would be made, processors had an incentive to hasten shipments prior to the making of such allotments. [The Notice of Hearing and Designation of Presiding Officers issued by the Secretary on December 31, 1937, contained a finding to the effect that allotment of the direct-consumption sugar was necessary, and processors were thereby put on notice that allotments for 1938 would likely be made.] Hence, the official data of the Department showing actual entries against such quota during the period from January 1, 1938, to March 22, 1938 (the date of final preparation of Puerto Rico Sugar Order No. 9), are believed to constitute a necessary factor in determining actual ability to market sugar. This factor, along with that of mill refining capacity, is therefore deemed to be a fair measure of the present ability to market sugar."

Since section 205 (a) of the act requires that the Secretary, in revising or amending an allotment order, use the same basis used in making the initial allotment, it is necessary in this Order to apply the same basic formula as was used in Puerto Rico Sugar Order No. 10.

The evidence presented at the hearings of January 14 and May 3 in regard to mill refining capacity in terms of short tons, refined value, may be summarized as follows:

Porto Rico American Sugar Refinery: 700 to 800 tons per day (pages 29, 48, 62, 65, and 324 of record of hearing held on January 14).

Central Aguirre: 8000 to 9000 tons per annum (page 125 of record of hearing held on January 14).

Central Guanica: 50,000 tons per annum (page 128 of record of hearing held on January 14).

Central Igualdad: 220 tons per day (pages 103, 194, and 199 of record of hearing held on May 3).[1]

Central Roig: 210 tons per day (page 273 of record of hearing held on May 3).[2]

No testimony was given either at the hearing of January 14 or of May 3 bearing on the mill refining capacity of Central Carmen and Central San Francisco. It is, therefore, necessary to take 1936[3] entries of direct-consumption sugar into the continental United States as the mill capacity for these companies. In 1936, Central Carmen brought into the continental United States 264 short tons, raw value, of direct-consumption sugar, or 247 short tons, refined value, and Central San Francisco brought in during the same year 2,590 short tons, raw value, of direct-consumption sugar, or 2,421 short tons, refined value. (Government Exhibit No. 3.)

The actual quantities of Puerto Rican direct-consumption sugar certified for entry into the continental United States between January 1, 1938, and March 22, 1938 (Government Exhibit No. 3), were as follows:

| | *Short tons, raw value* |
|---|---|
| Porto Rico American Sugar Refinery | 46,866 |
| Central Aguirre | 1,970 |
| Central Carmen | ------ |
| Central Guanica | ------ |
| Central Igualdad | 1,124 |
| Central Roig | 8,070 |
| Central San Francisco | 795 |
| | 58,825 |

In determining "past marketings" for processors which have shipped direct-consumption sugar to the continental United States, it is believed that the years 1935, 1936, and 1937 should be used, since they are years during which a quota system was in effect and, consequently, are believed to be fair and reasonable under a restrictive program such as that provided for under the present and prior sugar legislation. The marketing history[4] for these years (Government Exhibit No. 3) is as follows:

| | Puerto Rican direct-consumption sugar entries (refined and turbinado) for consumption in the U. S. (in terms of short tons, raw value) | | |
|---|---|---|---|
| | 1935 | 1936 | 1937 |
| Porto Rico American Sugar Refinery | 116,611 | 109,915 | 97,498 |
| Central Aguirre | 2,719 | 2,496 | 5,767 |
| Central Carmen | ------ | 264 | ------ |
| Central Guanica | 1,015 | ------ | ------ |
| Central Igualdad | 163 | 439 | 62 |
| Central Roig | ------ | 2,778 | 16,204 |
| Central San Francisco | 2,463 | 2,590 | 1,981 |
| | 122,971 | 118,511 | 121,502 |

It is deemed desirable to reserve 5,712 short tons of sugar to be set aside for persons who bring in raw sugar from

[1] The record of the hearing held on January 14 indicated a maximum capacity of 225 tons per day, but the same witness who testified in regard to plant capacity at the first hearing testified at the hearing of May 3 (page 199 of record) that 200 to 225 tons per day is more nearly correct. In view of the fact that a test run has shown 220 tons per day (page 103 of record of hearing held on May 3), this figure is taken as the rated mill capacity instead of 212.5 tons per day which would be taken in the absence of testimony showing actual performance in excess of that figure.

[2] Although the record of the hearing on January 14 indicated a rated plant capacity of 200 tons per day (pp. 170 and 174 of record), the fact that the company has actually exceeded that figure indicates that the rated capacity should be something in excess of 200 tons per day. The testimony shows (page 273 of record of hearing held on May 3) that the company has actually produced an average of 210 tons of sugar per day over a period of several days. Hence 210 tons per day is taken as the rated plant capacity.

[3] Being the year in which Centrals Carmen and San Francisco brought in more direct-consumption sugar than in any other year of the period 1935–1937, inclusive. (Government Exhibit No. 3.)

[4] Sugar from outside the continental United States cannot be "marketed" within the meaning of the act until after release from customs custody.

Puerto Rico for direct-consumption purposes, which amount represents the average quantity of such sugar brought in during the years 1935–1937, inclusive. It is not practicable to allot this quantity of sugar to individual processors, inasmuch as it would have to be allotted to 34 raw sugar processors, thereby rendering it impossible to make an efficient allotment as required by the act. An allotment would require continental purchasers of raw sugar for direct consumption to deal with a large number of sellers in order to obtain their requirements. Such disruption of customary trade practices could not reasonably be said to be an efficient distribution of this kind of sugar as required by the act.

On the basis of the record of the hearings held on January 14, 1938, and May 3, 1938, I hereby find: [1]

1. That the Puerto Rican processors of direct-consumption sugar are equipped to produce 415,168 short tons, refined value,[2] of sugar during the calendar year 1938.

2. That the present plant capacity of each Puerto Rican processor of direct-consumption sugar is as follows:

| Processor: | *Rated refining capacity per annum, 300-day basis* |
|---|---|
| Porto Rico American Sugar Refinery | 225,000 |
| Central Aguirre | 8,500 |
| Central Carmen | 247 |
| Central Guanica | 50,000 |
| Central Igualdad | 66,000 |
| Central Roig | 63,000 |
| Central San Francisco | 2,421 |
| | 415,168 |

3. That the quantities of direct-consumption sugar certified for entry into the continental United States from Puerto Rico between January 1, 1938, and March 22, 1938, were as follows:

| Processor: | *Short tons raw value* |
|---|---|
| Porto Rico American Sugar Refinery | 46,866 |
| Central Aguirre | 1,970 |
| Central Carmen | ------ |
| Central Guanica | ------ |
| Central Igualdad | 1,124 |
| Central Roig | 8,070 |
| Central San Francisco | 795 |

4. That during the years 1935, 1936, and 1937, Puerto Rican processors brought direct-consumption sugar (refined and turbinado) into the continental United States for consumption therein in the following amounts:

| | Puerto Rican direct-consumption sugar entries (refined and turbinado) for consumption in the U. S. (in terms of short tons, raw value) | | |
|---|---|---|---|
| | [0] 1935 | 1936 | 1937 |
| Porto Rico American Sugar Refinery | 116,611 | 109,945 | 97,493 |
| Central Aguirre | 2,719 | 2,496 | 5,707 |
| Central Carmen | ------ | 264 | ------ |
| Central Guanica | 1,015 | ------ | ------ |
| Central Igualdad | 163 | 438 | 52 |
| Central Roig | ------ | 2,778 | 16,291 |
| Central San Francisco | 2,463 | 2,590 | 1,981 |
| | 122,971 | 118,511 | 121,522 |

On the basis of the foregoing and after consideration of the briefs submitted by interested persons following the hearings of January 14 and May 3, 1938, and the objections and arguments filed in opposition to the proposed order [3] revising the allotments made in Puerto Rico Sugar Order No. 10, issued April 19, 1938, I hereby determine and conclude that the allotment of that portion of the 1938 Puerto Rican sugar quota which may be filled by shipments of direct-consumption sugar is necessary in order to prevent disorderly marketing of sugar, and that in order to make a fair, efficient, and equitable distribution of such sugar, as required by section 205 (a) of the act, allotments should be made by giving equal weight to (1) past marketings during the years 1935, 1936, and 1937, and (2) ability to market, measured by giving equal weight to present plant capacity and the quantities of direct-consumption sugar certified for entry into the continental United States between January 1, 1938, and March 22, 1938.

ORDER

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

1. That the allotments contained in Puerto Rico Sugar Order No. 10 shall be, and they are hereby, revised, and the said quantity of 126,033 short tons, raw value, of direct-consumption sugar is hereby allotted to the following processors in the amounts which appear opposite their respective names:

| Name of processor: | *Direct-consumption allotment (short tons, raw value)* |
|---|---|
| Porto Rico American Sugar Refinery | 93,975 |
| Aguirre | 3,443 |
| Carmen | 62 |
| Guanica | 3,791 |
| Igualdad | 5,465 |
| Roig | 11,837 |
| San Francisco | 1,748 |
| | 120,321 |
| Unallotted reserve for marketings of raw sugar for direct consumption | 5,712 |
| | 126,033 |

2. That the above-named processors are hereby prohibited from bringing into the continental United States, for consumption during the calendar year 1938, any direct-consumption sugar (except the above-mentioned amount of raw sugar for direct consumption) from Puerto Rico in excess of the marketing allotments set forth in the next preceding paragraph.

3. That this order shall supersede Puerto Rico Sugar Order No. 10, issued by the Secretary on April 19, 1938.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 1st day of June 1938.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F.R. Doc. 38-1552; Filed, June 1, 1938; 4:21 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

[Commission Order No. 41]

IN THE MATTER OF RATES OF PAY FOR GOVERNMENT COMMUNICATIONS BY TELEGRAPH

The Commission, en banc, at a meeting held May 24, 1938, adopted the following order:

The Commission having under consideration the matter of rates of pay for Government communications by telegraph:

*It is ordered:*

1. That, unless subsequently changed by order of the Commission, from the period July 1, 1938 to June 30, 1939, both inclusive, telegraph communications between the several departments of the Government and their officers and agents, in their transmission over the lines or circuits of any telegraph company subject to the Post Roads Act, approved July 24, 1866, 14 Stat. 221, as amended, U. S. C., Title 47, shall have priority over all other business and shall be sent at charges not exceeding forty (40) per centum of the charges

[1] Since section 205 (a) of the act requires that allotment be made "to persons who market or import sugar", no allotment can be made to Camuy Sugar Company, inasmuch as that company is not engaged in the manufacture of direct-consumption sugar at the present time.

[2] 300 working days per year.

[3] Following the hearing of May 3, the Secretary, on May 14, 1938, issued a proposed order which was published in the FEDERAL REGISTER on May 17, 1938. Interested persons were given until May 24, 1938, in which to file objections to the proposed order. Objections were filed by Central San Francisco, Central Roig, and Central Igualdad. Since all interested persons were given ten days in which to file written objections to the proposed order, petitions for oral argument are hereby denied.

applicable to commercial communications of the same class, of the same length, and between the same points in the United States, except that the charges for serial messages and timed wire service shall not exceed eighty (80) per centum of the charges applicable to like commercial serial messages and timed wire service between the same points in the United States; provided, however, that the minimum charge for day messages shall be 25 cents, for day letters 45 cents, for night messages 20 cents, for night letters 30 cents, for serial messages 54 cents, and for timed wire service 45 cents, unless any of these amounts shall be greater than the minimum for a corresponding commercial message in which event the provision set forth in paragraph 5 below shall apply; and provided, further, that a day letter shall be charged for as a day letter or a day message, according to which of these classifications shall produce the lower charge for the particular message; and that an overnight message shall be charged for as a night message or as a night letter, according to which of these two classifications shall produce the lower charge for the particular message; and provided, further, that when the first section of a serial message is not followed by another on the same day, it shall be charged for as a day message; that when more than one section is filed on the same day, the sections shall be charged for at the serial rates or each section shall be charged for as a day message, according to which of these classifications shall produce the lower total charge; and that timed wire messages shall be charged for as timed wire service or as day messages, according to which of these classifications shall produce the lower charge; and provided, further that the provisions of this paragraph shall apply only to Government messages filed as day messages, day letters, night messages, night letters, serial messages, or timed wire communications.

2. That during the period stated telegraph communications between the several departments of the Government and their officers and agents, between points in the continental United States and points in possessions of the United States, between points in different possessions, and between points in the continental United States, including such possessions, and points in foreign countries and ships at sea transmitted by any carrier or carriers subject to the Post Roads Act, or subject to the terms of a permit signed, or license granted, by the President of the United States giving the Postmaster General authority to fix rates of pay for Government communications by telegraph shall, between all points embraced within the scope of such Act, permit, or license, have priority over all other business, and shall be sent at charges not exceeding fifty (50) per centum of the full ordinary charges applicable to commercial communications of the same length and between the same points, except that charges for Government code messages shall not exceed sixty (60) per centum of the ordinary Government charges as herein prescribed; provided, however, that in cases where Government messages are transmitted between any of such points in part over the facilities of any carrier or carriers subject to the Post Roads Act, or subject to the terms of any permit signed, or license granted, by the President giving authority to the Postmaster General to fix rates (such carrier or carriers being hereinafter called domestic carrier or carriers), and in part over the facilities of a carrier, carriers, administration, or administrations not subject thereto (hereinafter called foreign carriers or administrations), the charges for Government communications shall not exceed the following, to wit:—for Government communications between points in the continental United States and Mexico or Canada, the charges shall not exceed the amounts derived by applying the percentages stated in the first ordering paragraph herein, to the prevailing commercial charges between the points of origin or destination in the continental United States and the border, plus the prevailing charges applicable to United States Government messages between points of origin or destination in Mexico and Canada and the border; and for Government communications between all other points, the charges shall not exceed the percentages specified in the second ordering paragraph herein, applied to the full portion of the charges accruing to the domestic carrier or carriers, plus the charges actually made for United States Government communications by such foreign carriers or administrations; and provided, further, (a) that with respect to government ordinary messages to and from the Philippine Islands and the Canal Zone, the percentages specified shall apply to such communications only in so far as the transmission takes place within the United States and its possessions, other than the Philippine Islands and the Canal Zone; (b) that the charges for government ordinary messages during the period stated, between the following named points, shall be:

| | Per Word |
|---|---|
| Between New York, N. Y. and Canal Zone | $0.15 |
| Between Fisherman's Point, Guantanamo Bay, Cuba and Canal Zone | .09 |
| Between Limon, San Jose, and Puntarenas, C. R., and Canal Zone | .075 |
| Between San Francisco, Calif., and Philippine Islands: | |
| Luzon Island, Manila | .195 |
| Luzon Island, other offices | .245 |
| Other Islands, all offices | .375 |
| Between Honolulu, Hawaii, and Philippine Islands: | |
| Luzon Island, Manila | .165 |
| Luzon Island, other offices | .215 |
| Other Islands, all offices | .345 |
| Between Midway Island and Philippine Islands: | |
| Luzon Island, Manila | 13 |
| Luzon Island, other offices | 18 |
| Other Islands, all offices | .31 |
| Between Sumaye, Guam and Philippine Islands: | |
| Luzon Island, Manila | 075 |
| Luzon Island, other offices | 125 |
| Other Islands, all offices | .255 |
| Between Manila and China: | |
| Shanghai | 10 |
| Hongkong | 0575 |
| Kwangi, Kwantung Provinces | 11 |
| Macao | 11 |
| Manchuria (other than Japanese offices) | .15 |
| All other places | .15 |
| Between Manila and Japan: | |
| Formosa | .23 |
| All other places, including Caroline Islands, Chosen-Corea, Jaluit (Marshall Islands), Japanese Saghalien, Kwangtung Peninsula (China), Palaos Islands, Pescadores Islands, Saipan (Marianne Islands), and Japanese offices in Manchuria | .235 |
| Between Washington, D. C., and Philippine Islands: | |
| Luzon Island, Manila | .27 |
| Luzon Island, other offices | .32 |
| Other Islands, all offices | 45 |

and provided that the charges for Government code messages between the foregoing points shall be 60 percent of the charges above specified for Government ordinary messages; and (c) that with respect to Government messages to and from ships at sea the percentages specified shall not apply to the coastal station and ship station charges; and (d) that with respect to Government night messages to and from points in Canada and Mexico transmitted by carriers having both night message and night letter classifications in effect to and from such points but having only night letter classifications in effect between points in the United States, such Government night messages shall be regarded as night letters for the purpose of determining the prevailing commercial charges for such messages to and from points in the United States and the border.

3. That the provisions of the first and second ordering paragraphs shall be construed to include messages transmitted over facilities of Naval Communications Service in connection with facilities of a domestic carrier or carriers or with facilities of a domestic carrier or carriers and foreign carriers or administrations, the Naval Communications Service making no charge for its own service.

4. That if any new service shall be established during the period stated, a supplementary order will be issued fixing the Government charge for such service.

5. That in no case shall the charge for a Government message exceed the charge for a corresponding commercial message, and that in cases where the charge for a Government message, as determined herein, shall include a fraction of a cent, such fraction, if less than one-half, shall be disregarded, if one-half or more, it shall be counted as one cent; except that the charge for Government code messages shall be rounded up to the next higher half cent, if the fraction be less than one-half, and to a full cent, if the fraction be more than one-half.

6. That all Government communications shall have priority over all other business, as above provided, and shall, unless otherwise provided herein, be subject to the classifications, practices and regulations applicable to the corresponding commercial communications.

7. That every domestic carrier which is subject to the Communications Act of 1934, shall, not later than 30 days after service of this order, file with this Commission all schedules of charges applicable to Government communications established pursuant to this order, said schedules to be filed in full compliance with the requirements of Section 203 of the Communications Act of 1934, and with the rules contained in Tariff Circular No. 1, to be constructed in such manner and form that the full charges for all Government messages from origins to destinations can be exactly and readily ascertained therefrom and to name effective dates as of July 1, next ensuing; provided, however, that if schedules applicable to Government messages are already on file and in effect and are in accord with the provisions of this order, new and revised schedules need not be filed.

8. That every domestic carrier required under the terms of any permit signed, or license granted, by the President of the United States to transmit messages for the Government of the United States or any of its possessions, free of charge, shall file schedules in accordance with paragraph 7 above, and with the terms of such permit or license.

9. That in every case where during the period stated any schedule containing charges applicable to commercial messages shall be changed, or the charges made by the foreign carriers or administrations shall be changed, the schedule containing the charges applicable to Government messages shall be correspondingly changed, effective on the same date, provided, however, that this provision shall not apply where, under the terms of the permit or license, a domestic carrier is required to transmit Government messages free of charge, nor with respect to charges to and from the Philippine Islands and the Canal Zone the specific amounts of which are fixed and stated in the second ordering paragraph above.

10. That nothing herein contained shall apply to charges fixed by agreement between the Secretary of Agriculture and the companies performing the service under the Department of Agriculture Appropriation Act.

11. That nothing herein contained shall be construed to give Government messages priority over radio communications or signals which are given absolute priority under Section 321 (b) of the Communications Act of 1934 as amended.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 38-1553; Filed, June 2, 1938; 9:53 a. m.]

## FEDERAL TRADE COMMISSION.

### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[File No. 21-327]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE MACARONI, NOODLES, AND RELATED PRODUCTS INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the Macaroni, Noodles, and Related Products Industry to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than June 15, 1938. Opportunity for oral hearing will be afforded at 10 a. m., June 15, 1938, in Room 332, Federal Trade Commission Building, Constitution Avenue at 6th Street, Washington, D. C., to such persons as may desire to appear. After giving due consideration to such views, suggestions or objections as may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-1551; Filed, June 1, 1938; 4:03 p. m.]

### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3362]

IN THE MATTER OF FIRESIDE INDUSTRIES, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Thursday, June 16, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in the Circuit Court Room, Court House, Adrian, Michigan.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-1549; Filed, June 1, 1938; 3:59 p. m.]

### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3368]

IN THE MATTER OF ALBERT E. BERGER, INDIVIDUALLY, AND TRADING AS RUN-PROOF LABORATORIES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered,* That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Wednesday, June 22, 1938, at nine o'clock in the forenoon of that day (central standard time), at 1123 New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-1550; Filed, June 1, 1938; 3:50 p. m.]

## INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC-20]

### ORDER RELATIVE TO MOTOR CARRIER RATES IN NEW YORK, NEW JERSEY, PENNSYLVANIA, AND DELAWARE

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 21st day of May, A. D. 1938.

*It appearing* that income statements of Class I common carriers of property by motor vehicle (carriers which have gross revenues of $100,000.00 or over annually from motor carrier operations), which are made respondents in this proceeding, are desirable to aid the Commission in the determination of the above-entitled proceeding:

*It is ordered,* That each Class I common carrier of property by motor vehicle which is a respondent in this proceeding submit to the Commission at its offices in Washington, D. C., on or before June 13, 1938, income statements for the year 1937 and for the three months ending March 31, 1938, or for the first three periods in 1938 instead of the three months ending March 31, 1938, in the case of those carriers which keep their accounts on a four-week period basis;

*It is further ordered,* That said income statements shall be submitted under oath on the form herewith enclosed, which form is hereby made a part of this order;

*And it is further ordered,* That any respondent in this proceeding receiving this order, which respondent is not a Class I carrier, as above defined, shall return the blank form of income statement to the Commission at its offices in Washington, D. C., on or before June 13, 1938, accompanied by a statement that this order is not applicable to its operation.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

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(One copy must be submitted to the Commission at its offices in Washington, D. C., on or before June 13, 1938)

INTERSTATE COMMERCE COMMISSION

In Ex Parte No. MC-20

INCOME STATEMENT OF RESPONDENT

*Class I Common Carriers of Property by Motor Vehicle*

(Includes carriers which have gross revenues of $100,000 or more annually from motor carrier operations)

Name of carrier _____

Address _____
No. Street City State

| | Year 1937 | Three months ending March 31, 1938 |
|---|---|---|
| I. Carrier Operating Income: | | |
| Revenues: | | |
| Operating Revenues | | |
| Expenses: | | |
| Operation and Maintenance Expenses | | |
| Depreciation Expense | | |
| Operating Taxes and Licenses | | |
| Operating Rents—Net | | |
| Total Expenses | | |
| Net Carrier Operating Income | | |
| II. Other Income | | |
| III. Income Deductions | | |
| Net Income (or Loss) | | |

NOTE.—Include rents paid or received for leased property under operating Rents—Net. All other income items not specifically provided for shall be reported under groups II and III. Amounts reported for the year 1937 need not be restated to conform exactly to the above classification, but may be grouped to suit the carrier's convenience, based upon the records maintained for that year.

*Statistics*

| | | |
|---|---|---|
| 1. Tons of revenue freight handled | | |
| 2. Truck and tractor Miles operated | | |

OATH

STATE OF _____

*County of* _____, *ss:*

_____ Makes oath and says that he is
(Name)

the _____ of the _____;
(Title of affiant) (Name of Applicant)

that he is authorized on the part of said respondent to verify and file with the Interstate Commerce Commission this income statement; that he has carefully examined all of the statements contained in such income statement; that he has knowledge of the matters set forth therein and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information, and belief.

Subscribed and sworn to before me, a _____ in and for the State and county above named, this _____ day of _____, 1938.

[SEAL] _____

My commission expires _____

[F. R. Doc. 38-1554; Filed, June 2, 1938; 12:07 p. m.]

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[Ex Parte No. MC-20]

### ORDER RELATIVE TO MOTOR CARRIER RATES IN NEW YORK, NEW JERSEY, PENNSYLVANIA, AND DELAWARE

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 21st day of May, A. D. 1938.

Division 5 having under consideration the subject of an extension of the territorial scope of the investigation instituted herein by order entered on March 19, 1938, and having also under consideration a petition filed by Asa Duckworth Co., Inc., and others, for limitation of the territorial scope of the said investigation; and good cause appearing therefor:

*It is ordered,* That the said petition of Asa Duckworth Co., Inc., and others, be, and it is hereby, denied.

*It is further ordered,* That the investigation instituted by the said order be, and it is hereby, broadened to include the lawfulness of the maximum, minimum, and precise basis of all rates, charges, and classifications, and the rules, regulations, and practices relating thereto, applicable to the transportation by all common carriers by motor vehicle subject to the Motor Carrier Act, 1935, of all property, except household goods, livestock, automobiles, petroleum products in tank trucks, and articles of unusual size and value, in interstate or foreign commerce between all points in the territory described in the appendix of this order, except property moving wholly within the municipality of New York, N. Y., and municipalities contiguous thereto and the zone adjacent to and commercially a part of such municipalities, as defined in *New York, N. Y., Commercial Zone,* 1 M. C. C. 665, with a view to determining whether the rates, charges, and classifications, and the rules, regulations, and practices relating thereto, of respondents, or any of them, applicable to such transportation are in any respects in violation of law, and of making such findings and entering such order or orders in the premises, and of taking such other and further action, as the facts and circumstances may appear to warrant;

*It is further ordered,* That all common carriers of property by motor vehicle subject to the Motor Carrier Act, 1935,

operating between the points and participating in the transportation described in the next preceding paragraph hereof, be, and they are hereby, made respondents, to this proceeding, that this order be served upon said respondents, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission.

*It is further ordered,* That the orders entered herein on April 11 and 29, 1938, referring the said proceeding, as then instituted, to T. B. Johnston, Examiner, Bureau of Motor Carriers, for hearing and for recommendation of an appropriate order thereon accompanied by the reasons therefor, be, and they are hereby, vacated;

*And it is further ordered,* That the said proceeding, as broadened by this order, be, and it is hereby, referred to Examiner T. B. Johnston for hearing on the 18th day of July, A. D. 1938, at 9:00 o'clock a. m., (standard time), at the Chamber of Commerce Rooms, Philadelphia, Pa., and for recommendation of an appropriate order thereon accompanied by the reasons therefor.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX

*Description of Territory*

*Western and southern boundaries.*—East bank of the Niagara River from Lake Ontario to Lake Erie; thence via the south shore of Lake Erie to a point just south of Buffalo, N. Y.; thence via air line to Hamburg, N. Y.; thence via an irregular line through North Collins, Gowanda, and Frewsburg, N. Y., and Warren, Tidioute, Tionesta, Oil City, Franklin, Slippery Rock, Butler, Pittsburgh (including points within a radius of fifteen miles of Pittsburgh), Canonsburg, and Washington, Pa., to Waynesburg, Pa.; thence via air line through Rogersville, Pa., and Cameron, W. Va., to New Martinsville, W. Va.; thence via the east bank of the Ohio River to St. Marys, W. Va.; thence via an irregular line through Spencer, Charleston, and Huntington, W. Va., to Kenova, W. Va.; thence via the West Virginia-Kentucky line and Kentucky-Virginia line to its intersection with U. S. Highway 23 just south of Jenkins, Ky.; thence via U. S. Highway 23 to Norton, Va., and Virginia State Highway 64 to a point just east of Big Stone Gap, Va.; thence via U. S. Highway 23 to its intersection with the Virginia-Tennessee line; thence via the Virginia-Tennessee line to a point north of Lansing, N. C.; thence via an irregular line through Lansing and Warrensville, N. C.; to West Jefferson, N. C.; thence via U. S. Highways 221 and 21 to Sparta, N. C.; thence via North Carolina State Highway 18 and Virginia State Highway 96 to Galax, Va.; thence via U. S. Highway 221 to Roanoke, Va.; and thence via U. S. Highway 460 through Lynchburg, Petersburg, and Suffolk, Va., to Norfolk, Va.

*Northern and eastern boundaries.*—The northern and eastern boundaries of New York State from the Niagara River to Long Island Sound; thence via the north shore of Long Island to Montauk Point, N. Y.; thence via the shore line of the Atlantic Ocean to Cape Charles, Va.; and thence via air line across the Chesapeake Bay to Norfolk, Va.

A. Between all points in the territory on and within the boundaries above described, except between all points within that part of said territory lying on and east of the described western boundary and on and west of a line beginning at Olcott, N. Y., and running thence southward to Lockport, N. Y.; thence just east of New York State Highway 78 to the intersection with U. S. Highway 20; thence east of Jewettville, N. Y., to Colden, N. Y.; thence via U. S. Highway 240 through Glenwood and East Concord, N. Y., to Springville, N. Y.; thence via air line through Ashford and Great Valley, N. Y.; to Salamanca, N. Y.; thence via New York State Highway 17 and U. S. Highway 219 to Bradford, Pa.; thence via air line through Tiona and Cherrygrove, Pa., to Nebraska, Pa.; thence via Pennsylvania State Highway 66 to Shippenville, Pa.; thence via air line through Sligo, Rimersburg, West Kittanning, Pa., to Vandergrift, Pa.; thence via Pennsylvania State Highway 66 to Greensburg, Pa.; thence via air line through Wickhaven and Brownsville, Pa., to Waynesburg, Pa.

B. Between all points in the territory on and within the boundaries above described, on the one hand, and Cinton, Altavista, Brookneal, Phenix, Meherrin, Victoria, Kenbridge, Alberta, Jarratt, and Sebrell, Va., on the other hand.

[F. R. Doc. 38-1555; Filed, June 2, 1938; 12:03 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of June, A. D. 1938.

[File No. 30-39]

IN THE MATTER OF APPLICATION OF HUGH M. MORRIS AND HAROLD S. SCHUTT, TRUSTEES, PEOPLES LIGHT AND POWER CORPORATION

ORDER PURSUANT TO SECTION 5 (D) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Hugh M. Morris and Harold S. Schutt, Trustees of Peoples Light and Power Corporation, having registered as a registered holding company pursuant to Section 5 (a) of the Public Utility Holding Company Act of 1935, and having filed an application pursuant to Section 5 (d) of said Act for an order that they, as Trustees, have ceased to be a holding company; hearing on said application having been held after appropriate public notice; the record in this matter having been considered and the Commission having thereupon entered its findings and opinion on such application;

*It is ordered,* That Hugh M. Morris and Harold S. Schutt, as Trustees of Peoples Light and Power Corporation, have ceased to be a holding company. This order shall be effective as of the 1st day of June 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1553; Filed, June 2, 1938; 12:50 p. m.]